

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

NEIL EDELMAN, et al., : CIVIL ACTION NO. 09-1938 (MLC)  
Plaintiffs, :  
v. : **O R D E R**  
SUNDA CROONQUIST, :  
Defendant. :  
\_\_\_\_\_ :

**THE DEFENDANT** removing this action from state court pursuant to subject matter jurisdiction under 28 U.S.C. § ("Section") 1332 (dkt. entry no. 1, Notice of Removal at 1-2); and the defendant moving to dismiss the Amended Complaint (dkt. entry no. 31, Notice of Mot.); and the plaintiffs cross-moving to remand the action to state court on the ground that subject matter jurisdiction under Section 1332 is lacking, i.e., that the defendant and one of the plaintiffs are New York citizens (dkt. entry no. 6, Pls. Br. at 6); and the Court determining that the issue of citizenship should be addressed first; and thus for good cause appearing;

**IT IS THEREFORE** on this 6th day of August, 2009,  
**ORDERED** that the defendant's motion to dismiss the Complaint  
(dkt. entry no. 2) is **DENIED AS MOOT**; and

**IT IS FURTHER ORDERED** that the defendant's motion to dismiss  
the Amended Complaint (dkt. entry no. 31) is **DENIED WITHOUT  
PREJUDICE**, and with leave to the defendant to move again – upon a  
new notice of motion and in accordance with the Federal Rules of  
Civil Procedure and the Local Civil Rules – after the issue of  
citizenship has been resolved; and

**IT IS FURTHER ORDERED** that the plaintiffs' cross motion to  
remand the action to state court (dkt. entry no. 6) is **REFERRED**  
to the Magistrate Judge for resolution; and

**IT IS FURTHER ORDERED** that the parties should contact the  
Chambers of the Magistrate Judge for further guidance.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge